

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SANAA 000175

SIPDIS

E.O. 12958: DECL: 01/31/2015

TAGS: [PREL](#) [PTER](#) [PGOV](#) [PINR](#) [YM](#) [COUNTER](#) [TERRORISM](#)

SUBJECT: ATTORNEY GENERAL TO RULE ON PROSECUTION OF SECURITY DETAINEES

Classified By: DCM Nabeel Khoury for reasons 1.5 b and d.

1. (C) In a meeting between Legatt, Assistant Attorney General (AAG) Sharaf ad-Din Mahbashi and Prosecutor Sa'id al-Aqel, AAG announced that his office had a list of 25 suspects handed to the Attorney General's (AG) office by the Political Security Office (PSO) for possible criminal prosecution. AAG noted that the cases are currently being reviewed to determine whether or not there is enough evidence to charge the suspects. Those who cannot be charged with criminal offenses under Yemeni law, said AAG, will be released. The list of 25 are from among the 28 detainees that Post has strongly urged the ROYG to keep in custody due to concerns about their connections to al-Qaida. AAG also commented on the Jaber al-Banna and Abdullah al-Rimi cases. End Summary.

AAG given custody of 25 of 28 detainees

2. (C) On January 26 AAG presented the Legatt with a list of 26 names, 25 of whom are part of the list of "28 plus 2" the USG expressed grave concerns over their potential release under last November's Ramadan Amnesty. The AAG asked Legatt to provide any evidence that may help the AG's office make its determination on whether or not to pursue criminal charges. Legatt assured him that he had already shared with the AG's office all the evidence the FBI possessed.

3. (C) AAG noted that Yemeni law required him to make a determination on whether to prosecute or release the 25 within 10 days (Friday February 4, 2005). Legatt asked who the AAG thought would be prosecuted and on what charges? The AAG responded that the decisions would be made during the course of the ten-day period, and that he could not make any further disclosures while the cases were under review. He then noted, however, that most of the prosecutable cases would be for passport and/or document fraud, which carries a maximum term of seven years in Yemeni law. Many of the suspects, he continued, were picked up for belonging to a "suspect organization" and that they had intended to travel to Iraq.

4. (C) The AAG pointed out that one of the persons in custody was likely one of the recaptured USS COLE trial escapees. Six of the defendants handed over by the PSO, said the AAG, were previously tried and incarcerated in Saudi Arabia before being released into Yemeni custody.

Al-Banna and al-Rimi cases still being developed

5. (C) On the Jaber al-Banna case, The AAG confided that his office still does not have custody of the suspect although he expects that to change "soon," adding that the AG himself was, "following the case closely." As for the Abdullah al-Rimi case, the AAG noted that his office was under PSO orders not to give the USG access to the suspect. (Note: it was not clear whether the PSO prevented AG access to al-Rimi as well, although this appears to be the case. End Note). Legatt reminded the AAG that President Saleh himself, on two occasions, had promised USG access to both individuals in meetings with senior U.S. officials. AAG requested a letter from Legatt to the AG noting Saleh's promise and re-requesting permission. AAG also asked for a copy of the questions that Legatt wanted to ask al-Rimi. Legatt provided the requested materials. Finally, AAG urged Post or a high-level USG representative to again speak with the President and request that he, personally, order the PSO to allow Legatt access to the suspects. Krajewski